

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- x  
OLIVIA ALMENGOR, et al.,

Plaintiffs,

-against-

BENNO C. SCHMIDT, et al.,

Defendants.  
----- x

USDC SDNY  
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08 Civ. 6585 (LAK)

**ORDER**

LEWIS A. KAPLAN, *District Judge.*

For the reasons stated on the record in open court, plaintiffs' motion for partial summary judgment granting declaratory and injunctive relief on Counts I and II of the complaint (Docket Item 12) is denied. Defendants' cross-motion for partial summary judgment dismissing Counts I, III, IV, and so much of Count II as asserts a facial challenge to the fiscal accountability regulations (Docket Item 18) is granted. The only surviving claim is so much of Count II as challenges the constitutionality of the fiscal accountability regulations as applied.

SO ORDERED.

Dated: July 23, 2009



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Lewis A. Kaplan  
United States District Judge